

Calendar No. 804

110TH CONGRESS
2D SESSION**S. 2804****[Report No. 110–372]**

To adjust the boundary of the Everglades National Park, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2008

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To adjust the boundary of the Everglades National Park,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Everglades National
5 Park Boundary Adjustment Act of 2008”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Tarpon Basin property proposed for ac-
4 quisition by the Secretary (acting through the Direc-
5 tor of the National Park Service) contains habitat
6 for—

7 (A) the wood stork and the West Indian
8 manatee; each of which is listed as an endan-
9 gered species under the Endangered Species
10 Act of 1973 (16 U.S.C. 1531 et seq.); and

11 (B) the roseate spoonbill and the white-
12 crowned pigeon; each of which is listed as a
13 threatened species by the Florida Game and
14 Fresh Water Fish Commission;

15 (2) the Tarpon Basin property also includes ap-
16 proximately 10 acres of subtropical hardwood ham-
17 mock; a habitat found only in South Florida and the
18 Florida Keys;

19 (3) more than 70 percent of the hardwood ham-
20 mock in South Key Largo has been lost to develop-
21 ment; and

22 (4) vessel owners often anchor the vessels of the
23 owners in a saltwater pond—

24 (A) that is located within the Tarpon
25 Basin property; and

1 ~~(B)~~ to protect the vessels from tropical
2 storms and hurricanes.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 ~~(1)~~ HURRICANE HOLE.—The term “Hurricane
6 Hole” means the saltwater pond that—

7 ~~(A)~~ is located east of the Intracoastal Wa-
8 terway as the Waterway passes through
9 Dusenbury Creek; and

10 ~~(B)~~ has been used historically to moor sail-
11 boats during tropical storms and hurricanes.

12 ~~(2)~~ MAP.—The term “map” means the map en-
13 titled “Proposed Tarpon Basin Boundary Revision”
14 and dated April 14, 2003.

15 ~~(3)~~ SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 ~~(4)~~ TARPON BASIN PROPERTY.—The term
18 “Tarpon Basin property” means the land that—

19 ~~(A)~~ is comprised of approximately 600
20 acres of land and water surrounding Tarpon
21 Basin, as generally depicted on the map; and

22 ~~(B)~~ is located in South Key Largo.

1 **SEC. 4. BOUNDARY REVISION.**

2 ~~(a) BOUNDARY REVISION.~~—The boundary of the Ev-
3 erglades National Park is adjusted to include the Tarpon
4 Basin property.

5 ~~(b) ACQUISITION AUTHORITY.~~—

6 ~~(1) IN GENERAL.~~—In accordance with para-
7 graph ~~(2)~~, the Secretary may acquire, through a vol-
8 untary donation, sale, or exchange, any land or in-
9 terest in land that is located in the Tarpon Basin
10 property.

11 ~~(2) REQUIREMENT RELATING TO SALES.~~—With
12 respect to a sale to acquire any land or interest in
13 land under paragraph ~~(1)~~ that is located in the Tar-
14 pon Basin property, the Secretary may only use do-
15 nated or appropriated funds.

16 ~~(c) AVAILABILITY OF MAP.~~—The map shall be on file
17 and available for public inspection in the appropriate of-
18 fices of the National Park Service.

19 ~~(d) ADMINISTRATION.~~—The Secretary shall admin-
20 ister each land and water added to the Everglades Na-
21 tional Park by subsection ~~(a)~~, or through a voluntary do-
22 nation, sale, or exchange under subsection ~~(b)~~—

23 ~~(1)~~ as part of the Everglades National Park;
24 and

25 ~~(2)~~ in accordance with applicable laws (includ-
26 ing regulations).

1 **SEC. 5. USE OF HURRICANE HOLE.**

2 (a) **AUTHORITY TO ISSUE PERMITS.**—The Secretary
3 may issue a permit to any owner of a sailing vessel who,
4 before the date of enactment of this Act, had secured the
5 sailing vessel of the owner in Hurricane Hole to protect
6 the sailing vessel from a tropical storm or hurricane.

7 (b) **ELIGIBILITY.**—

8 (1) **EVIDENCE OF PRIOR USE.**—To be eligible
9 to receive a permit under subsection (a), an owner
10 of a sailing vessel shall provide to the Secretary evi-
11 dence that the Secretary determines to be sufficient
12 to establish that the owner of the sailing vessel had,
13 before the date of enactment of this Act, secured the
14 sailing vessel of the owner in Hurricane Hole to pro-
15 tect the vessel from a tropical storm or hurricane.

16 (2) **INDEMNITY REQUIREMENT.**—To be eligible
17 to receive a permit under subsection (a), an owner
18 of a sailing vessel shall agree to hold the United
19 States harmless, and to indemnify the United States
20 from any claim or damage that may arise from any
21 activity conducted under the permit (including dam-
22 age to the sailing vessel that is the subject of the
23 permit).

24 (c) **CONDITIONS OF PERMIT.**—

25 (1) **SAILING VESSELS.**—A permit issued under
26 subsection (a) shall be valid only for a sailing vessel.

1 (2) TRANSFERABILITY.—A permit issued under
2 subsection (a) shall not be transferrable.

3 (3) EXPIRATION.—A permit issued under sub-
4 section (a) shall expire on the date of the death of
5 the holder of the permit.

6 (d) PROTECTION OF RESOURCES.—

7 (1) AUTHORITY OF SECRETARY.—The Sec-
8 retary may include in a permit issued under sub-
9 section (a) any term or condition that the Secretary
10 determines to be necessary—

11 (A) to protect the resources of the Ever-
12 glades National Park; and

13 (B) to ensure the safety of the public at
14 the Everglades National Park.

15 (2) BOND.—To accomplish each goal described
16 in paragraph (1), the Secretary may require each
17 holder of a permit issued under subsection (a) to
18 post a bond.

19 (e) FEES.—The Secretary may charge a fee to re-
20 cover the cost of issuing, and monitoring the compliance
21 of, the permits under subsection (a).

22 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as are necessary to carry out this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Everglades National*
 3 *Park Boundary Adjustment Act of 2008”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *HURRICANE HOLE.*—*The term “Hurricane*
 7 *Hole” means the natural salt-water body of water*
 8 *within the Duesenbury Tracts of the eastern parcel of*
 9 *the Tarpon Basin boundary adjustment and accessed*
 10 *by Duesenbury Creek.*

11 (2) *MAP.*—*The term “map” means the map enti-*
 12 *tled “Proposed Tarpon Basin Boundary Revision”,*
 13 *numbered 160/80,012, and dated May 2008.*

14 (3) *SECRETARY.*—*The term “Secretary” means*
 15 *the Secretary of the Interior.*

16 (4) *TARPON BASIN PROPERTY.*—*The term “Tar-*
 17 *pon Basin property” means land that—*

18 (A) *is comprised of approximately 600*
 19 *acres of land and water surrounding Hurricane*
 20 *Hole, as generally depicted on the map; and*

21 (B) *is located in South Key Largo.*

22 **SEC. 3. BOUNDARY REVISION.**

23 (a) *BOUNDARY REVISION.*—*The boundary of the Ever-*
 24 *glades National Park is adjusted to include the Tarpon*
 25 *Basin property.*

1 (b) *ACQUISITION AUTHORITY.*—*The Secretary may ac-*
 2 *quire from willing sellers by donation, purchase with do-*
 3 *nated or appropriated funds, or exchange, land, water, or*
 4 *interests in land and water, within the area depicted on*
 5 *the map, to be added to Everglades National Park.*

6 (c) *AVAILABILITY OF MAP.*—*The map shall be on file*
 7 *and available for public inspection in the appropriate of-*
 8 *fices of the National Park Service.*

9 (d) *ADMINISTRATION.*—*Land added to Everglades Na-*
 10 *tional Park by this section shall be administered as part*
 11 *of Everglades National Park in accordance with applicable*
 12 *laws (including regulations).*

13 **SEC. 4. HURRICANE HOLE.**

14 *The Secretary may allow use of Hurricane Hole by*
 15 *sailing vessels during emergencies, subject to such terms and*
 16 *conditions as the Secretary determines to be necessary.*

17 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

18 *There are authorized to be appropriated such sums as*
 19 *are necessary to carry out this Act.*

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